

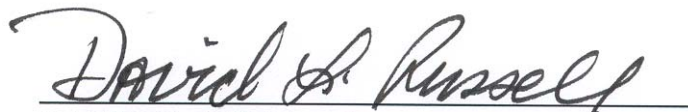
**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CR-16-171-R</b>
	)	
<b>BRIAN LEE DOWNING,</b>	)	<b>CIV 18-1222-R</b>
	)	
<b>Defendant-Petitioner.</b>	)	

**ORDER**

On April 21, 2020, the Court denied Petitioner’s § 2255 motion and entered judgment accordingly. Doc. Nos. 48, 49. Under Rule 11 of the Rules Governing Section 2255 Proceedings, the Court must issue or deny a certificate of appealability after entering a final order adverse to a petitioner. A court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To satisfy this standard, a petitioner must show “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the reasons stated in the Court’s Order, Doc. No. 48, the Court finds that petitioner has not satisfied this standard. The Court denies a certificate of appealability as to its ruling on Petitioner’s § 2255 petition.

**IT IS SO ORDERED** this 2<sup>nd</sup> day of September 2020.

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**